



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **TAKAYANAGI, Hitoshi et al.**

Group Art Unit: **1756**

Serial No.: **10/082,089**

Examiner: **Dote, J.**

Filed: **February 26, 2002**

**P.T.O. Confirmation No.: 8614**

For. **DRY COLOR TONER FOR ELECTROSTATIC IMAGE DEVELOPMENT**

**SUBMISSION OF TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: December 1, 2004

Sir:

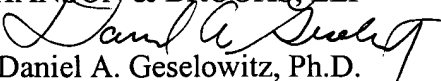
Submitted herewith for filing in the above-identified application is a Terminal Disclaimer.

Enclosed is our check in the amount of \$900.00 for the required fee (\$110.00) and for the RCE (\$790.00).

In the event that any additional fees are due in connection with this paper, please charge our Deposit Account No. 01-2340. A duplicate of this paper is enclosed.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP

  
Daniel A. Geselowitz, Ph.D.

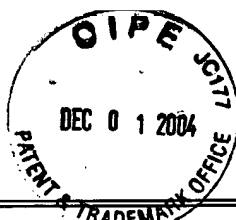
Agent for Applicant  
Reg. No. 42,573

DAG/mla  
Atty. Docket No. **020232**  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



**23850**

PATENT TRADEMARK OFFICE



TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL  
DOUBLE PATENT REJECTION OVER A PENDING SECOND  
APPLICATION

Docket Number  
**020232**

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**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, Dainippon Ink and Chemicals, Inc., is the owner of 100% percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/791,860, filed on February 26, 2001. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable,

is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

December 1, 2004

Date



Daniel A. Geselowitz, Ph.D.

Agent of Record

Registration No. 42,573

XX Terminal disclaimer fee under 37 CFR 1.20(d) is included.

   PTO suggested wording for terminal disclaimer was

  X   unchanged.    changed (as described in attached explanation).

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